

1 BARRY E. HINKLE, Bar No. 071223
2 TRACY L. MAINGUY, Bar No. 176928
3 KRISTINA M. ZINNEN, Bar No. 245346
4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501
8 Telephone (510) 337-1001
9 Fax (510) 337-1023
10 E-Mail: bhinkle@unioncounsel.net
11 tmainguy@unioncounsel.net
12 kzinnen@unioncounsel.net

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 THE BOARD OF TRUSTEES, in their
13 capacities as Trustees of the CEMENT
14 MASONS TRUST FUND FOR NORTHERN
15 CALIFORNIA; CEMENT MASONS
16 PENSION TRUST FUND FOR NORTHERN
17 CALIFORNIA; CEMENT MASONS
18 VACATION/HOLIDAY TRUST FUND FOR
19 NORTHERN CALIFORNIA; and CEMENT
20 MASONS APPRENTICESHIP AND
21 TRAINING TRUST FUND FOR NORTHERN
22 CALIFORNIA,

Plaintiffs,

v.

21 MICHAEL HEAVEY CONSTRUCTION,
22 INC., a California Corporation,

Defendant.

No. 3:15-cv-01096-JD

**PLAINTIFFS' NOTICE OF
SETTLEMENT AND REQUEST TO
CONTINUE HEARING ON
PLAINTIFFS' MOTION FOR ENTRY
OF DEFAULT JUDGMENT BY
COURT; [~~PROPOSED~~] ORDER**

Judge: Hon. James Donato

1 Plaintiffs, by and through their counsel of record, hereby notify the Court that Plaintiffs
2 and Defendant have reached a settlement in the above-captioned case. The parties are in the
3 process of finalizing the settlement documents. Pursuant to the settlement, judgment will be
4 entered in the above-captioned matter pursuant to a stipulation of the parties. Plaintiffs anticipate
5 that such stipulation will be filed within the next fourteen (14) days. Plaintiffs respectfully
6 request that the Court stay this matter to allow the parties to formalize their settlement.
7 Additionally, Plaintiffs respectfully request that the hearing on Plaintiff's Motion for Entry of
8 Default Judgment currently scheduled for September 9, 2015 at 10:00 a.m. be continued until
9 October 7, 2015, or the earliest date thereafter that the Court is available to hear the matter.

10 Provided that the parties' settlement is finalized, Plaintiffs will request that the continued
11 hearing be removed from the calendar when the stipulation for judgment is filed, but Plaintiffs
12 will move forward with the continued hearing regarding their Motion for Entry of Default
13 Judgment to the extent the settlement agreement is not finalized by the date of the continued
14 hearing.

15 Dated: September 4, 2015

16 WEINBERG, ROGER & ROSENFELD
17 A Professional Corporation

18 By: /s/ Tracy L. Mainguy
19 TRACY L. MAINGUY
20 Attorneys for Plaintiffs
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[PROPOSED] ORDER

The Court has been notified that the parties have reached a settlement of the above-captioned matter and are in the process of finalizing the settlement documents. Plaintiffs anticipate that a stipulation for entry of judgment will be filed within the next fourteen (14) days. The hearing on Plaintiffs' Motion for Entry of Default Judgment currently scheduled for September 9, 2015 at 10:00 a.m. is continued to October 7, 2015 at 10:00 a.m.

IT IS SO ORDERED.



HONORABLE JAMES DONATO
UNITED STATES DISTRICT JUDGE

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